

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHAEL EUGENE ASHBY,

Plaintiff,

v.

DAVID SHERMAN,

Defendant.

Case No. C10-56-RSL

ORDER OF DISMISSAL

The Court, having reviewed the Report and Recommendation of United States Magistrate Judge Brian A. Tsuchida, the cross-motions for summary judgment, the governing law, and the balance of the record, does hereby find and **ORDER:**

- (1) The Report and Recommendation is **ADOPTED**;
- (2) Defendant's motion for summary judgment is **GRANTED**;
- (3) Plaintiff's motion for summary judgment is **DENIED**;
- (4) The Clerk of Court is directed to send copies of this Order to plaintiff and to Magistrate Judge Brian A. Tsuchida.

DATED this 12th day of November, 2010.


ROBERT S. LASNIK
United States District Judge